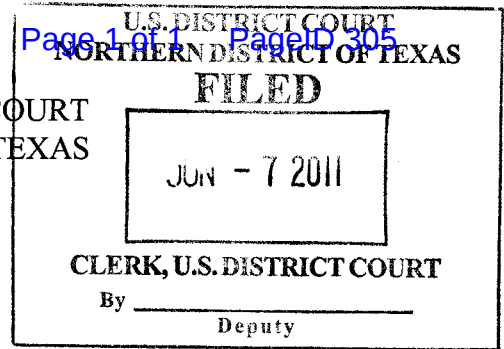


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA)

VS.)

NICHOLAS PYBURN)

CASE NO.: 3:11-CR-023-M (05)

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

NICHOLAS PYBURN, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count(s) 1 of the superseding Indictment. After cautioning and examining NICHOLAS PYBURN under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty, and the plea agreement, be accepted, and that NICHOLAS PYBURN be adjudged guilty and have sentence imposed accordingly.

Date: June 7, 2011

PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).